

See also

(20)

1-25-02
SC

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRADY L. DAVIS,

Plaintiff

v.

FOX, et al.,

Defendant

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CIVIL NO. 1:CV-00-490

(Judge Rambo)

FILED
HARRISBURG, PA

JAN 24 2002

MARY E. D'ANDREA, CL
PER 9/8 DEPUTY CLERK

MEMORANDUM AND ORDER

On March 15, 2000, Plaintiff Brady Davis, an inmate at Coal Township Correctional Facility, Pennsylvania filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. (Doc. 1, Complaint.) Because no pleadings or briefs had been filed by either party since April 2, 2001, the court issued a scheduling order on January 2, 2002. A copy of the order was sent to Plaintiff and which was returned to the court on January 22, 2002. (Doc. 19.) The court then contacted SCI Coal Township and was informed that Plaintiff completed his sentence on December 15, 2001.

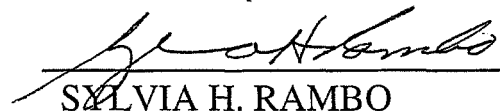
A district court may, in accordance with Rule 41(b) of the Federal Rules of Civil Procedure, *sua sponte* dismiss a civil action for failure to prosecute. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630 (1962); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 341 (3d Cir. 1982). By failing to keep the court apprized of his

Certified from the record
Date 1-24-02
Mary E. D'Andrea, Clerk
Per George J. Gardner
Deputy Clerk

current address, Plaintiff has failed to prosecute this action and comply with the local rules of this court.

IT IS THEREFORE ORDERED THAT:

1. The instant complaint (Doc. 1) is **dismissed** without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) and for failure to obey M.D.Pa. Local Rule 83.18, which requires Plaintiff to maintain a current address with the court.
2. The Clerk of Court shall close the case.
3. Any appeal taken from this order will be deemed frivolous, without probable cause, and not taken in good faith.



SYLVIA H. RAMBO
United States District Judge

Dated: January 24, 2002.